



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [International Religious Freedom](#) » [2010 Report on International Religious Freedom](#) » [Europe and Eurasia](#) » [Moldova](#)

Moldova

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

The constitution provides for freedom of religion; however, the law includes restrictions that at times inhibited the activities of some religious groups.

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period. The government registered one religious group and several parishes belonging to previously registered groups and continued to deny registration to certain groups attempting to gain legal status. In Transnistria, a separatist region not controlled by the government, authorities generally respected the rights of registered groups but continued to deny registration to a number of minority religious groups and to harass their members. All references in this report, unless otherwise stated, are to areas controlled by the internationally recognized government.

There were some reports of societal abuses based on religious affiliation, belief, or practice during the reporting period. The affected communities included Jehovah's Witnesses, Jews, and Pentecostal believers.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 13,000 square miles and a population of 3.56 million living in the part of the country controlled by the recognized government, and 528,600 in the secessionist-controlled region of Transnistria.

The predominant religion is Orthodox Christianity. According to a Gallup Poll, 96 percent of the population claims membership in either of two Orthodox denominations, Moldovan (88 percent) or Bessarabian (8 percent).

According to the government, the Moldovan Orthodox Church (MOC), which is subordinate to the Russian Orthodox Church, has 1,281 parishes, monasteries, seminaries, and other entities; the Bessarabian Orthodox Church (BOC), subordinate to the Romanian Orthodox Church, has 312 such entities; and the Old Rite Russian Orthodox Church (Old

Believers) has 16 parishes. Jehovah's Witnesses reported they have 239 congregations, including 31 in the separatist region of Transnistria. According to the Baptist World Alliance, the Union of Evangelical Christian Baptists of Moldova has 315 churches and 20,391 members. In November 2008, the European Baptist Federation stated that hundreds of indigenous missionaries are involved in establishing 40 new Baptist churches in the country.

The government also listed 2,327 religious groups registered through June 11, 2008. The list does not distinguish between local parishes and denominations or connect individual parishes to a parent denomination.

Adherents of other religious groups, constituting less than 10 percent of the population, include Roman Catholics, Baptists, Pentecostals, Seventh-day Adventists, Muslims, Jehovah's Witnesses, Baha'is, Jews, members of the Unification Church, Molokans (a Russian group), Messianic Jews, Lutherans, Presbyterians, and charismatic and evangelical Christian groups.

In Transnistria the largest religious organization is the MOC. Other groups include Roman Catholics, followers of Old Rite Orthodoxy, Baptists, Seventh-day Adventists, evangelical and charismatic Protestants, Jews, and Lutherans.

On March 31, 2009, the Ministry of Justice (MOJ) granted registration to the Armenian Christian Apostolic Cult and one of its religious communities. The MOJ stated that the Armenian Christian Apostolic Cult differed from the Armenian Apostolic Church, which was granted registration in 1995 and had two religious communities. On October 8, 2009, the MOJ registered the Orthodox Episcopate of Eastern Moldova. During the reporting period, the MOJ also registered three parishes of the BOC, two parishes of the Union of Christian Evangelical Baptist Churches of Moldova, and one of the Orthodox Episcopate of Eastern Moldova.

The MOJ did not report the number of registration requests received during the reporting period. However, there were credible reports from two Muslim groups and from Falun Gong that the MOJ refused requests to register the groups. The MOJ stated that the Muslim applications were improperly submitted. The MOJ has also stated that it objects to the swastika used as a religious symbol by the Falun Gong, which is registered as a nongovernmental organization (NGO) by the Chisinau city government.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for freedom of religion; however, the law includes restrictions that at times inhibited the activities of some religious groups. Some minority religious groups continued to experience registration difficulties. The law on religion, which went into effect in 2007, affirmed the role of the Orthodox Church in the country's history, in theory simplifies registration procedures, and liberalizes the access of religious groups to public places, requiring only that the groups agree upon the place with local authorities in advance.

All groups, whether registered or not, enjoy freedom to worship and reported having free access to public places for their activities. However, during the reporting period, only one previously unregistered religious group, the Orthodox Episcopate of Eastern Moldova, obtained legal status. Three Muslim groups reported they were still unable to register, and one of these groups has not tried to register since being refused in 2001.

Registration gives religious groups legal status that allows them to own property, open bank accounts, and hire employees. Individual churches or branches of registered religious organizations were not required to register with the

MOJ as long as they did not carry out legal transactions and received donations as local legal entities. The parent organization must exercise authority in those domains for unregistered local branches. Unregistered groups may not act as legal entities, or obtain space in public cemeteries in their own names.

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The registration process was the same for all groups. A religious organization must present to the MOJ a declaration of its exact name, fundamental principles of belief, organizational structure, scope of activities, sources of finance, and rights and obligations of membership. The MOJ is required by law to register the religious organization within 15 days, if the registration request is made according to law. At the request of the MOJ, a court can suspend the registered status of a religious organization for 12 months if it "carries out activities that harm the constitution or laws" or "affects state security, public order, [or] the life and security of the people."

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The law gives freedom to local religious communities to change their denominational affiliation or dissolve themselves. All religious groups are allowed to hold services at state facilities, including orphanages, hospitals, schools, and military and police institutions at the request of individuals in such institutions, provided they get the approval of the institution's administration.

The law provides for freedom of conscience and religion, permits alternative service for conscientious objectors to military duties, protects the confidentiality of statements made to a priest in the confessional, and allows denominations to establish associations and foundations.

Additions to the law that could be used to restrict religious freedom include: the requirement of at least 100 citizen founders to register a religious organization (some religious group members object to providing their personal details in the document, citing an article in the law that "any request to indicate religious affiliation in official documents is illegal"); a more detailed definition of "abusive proselytism" (including "psychological manipulation or a variety of subliminal techniques"); and the recognition by the state of the "exceptional importance and fundamental role of the Christian Orthodox religion, particularly that of the Moldovan Orthodox Church, in the life, history, and culture of the people of the Republic of Moldova."

Moldovan law provides for conscientious objection to military service, but Transnistrian law has no provisions for alternative service. According to the Transnistrian Criminal Code, those who avoid or evade military service may be sentenced to fines from \$527 to \$1,275 (4,427 to 10,710 lei) or imprisonment for up to two years.

There is no state religion. The MOC received favored treatment from the former Party of Communists (PCRM) government. Reputedly, the Metropolitan of Chisinau and all Moldova, the highest-ranking cleric in the MOC, holds a diplomatic passport and, before the Alliance for European Integration (AIE) government took power in September 2009, participated as the sole religious figure in some national celebrations.

The government observes the following religious holidays as national holidays: Orthodox Christmas, Orthodox Easter, Easter Monday, and Memorial Easter (a commemoration of the dead).

The law permitted missionaries to sign work contracts with registered religious organizations, which in theory should ease the process to obtain residency permits. The law did not require such work contracts. However, the Bureau for Migration and Asylum (a part of the Ministry of Interior), in charge of temporary residency permits, required religious groups to issue work contracts to missionary employees that indicated their salaries. This requirement was imposed even when missionaries donated their services or were sponsored and paid by overseas churches. By requiring work permits, the Bureau for Migration and Asylum and the National Agency for the Occupation of the Workforce, which granted the work

permits, in effect did not allow foreigners to work as unpaid volunteers. Under the law a work contract must include information about minimum salary and provision of paid holidays.

Foreign missionaries may remain in the country for 90 days on a tourist visa. Foreign religious workers must register with, and receive documentation from, the National Agency for the Occupation of the Workforce, the Bureau for Migration and Asylum, and the Ministry of Informational Development. Foreign missionaries reported that, while registration procedures were complex and onerous, registrants who follow all the steps received their permits, and did not face the capricious refusals that occurred under the previous government.

According to the law on education, "moral and spiritual instruction" was mandatory for primary school students and optional for secondary school and university students. Some schools offered religion courses, but enrollment depended on parental request and the availability of funds. On May 8, 2010, the MOC organized a rally of several thousand church members in the main public square of Chisinau as part of its current campaign to organize a national referendum calling for mandatory "Orthodox Basics" courses in all elementary and secondary schools. On May 16, Minister of Education Leonid Bujor announced that religious education would be taught in schools but said that it would be optional. On June 15, the Chisinau Court of Appeals ruled in favor of a petition by 17 NGOs who argued that introducing mandatory religion courses in schools was unconstitutional and annulled the Central Election Commission's June 4 approval of the referendum. Supporters of the referendum reportedly will appeal the decision to the Supreme Court of Justice. At the end of the reporting period, they had not done so.

Two public schools and a kindergarten were theoretically open only to Jewish students; in practice children of mixed parentage and those adhering to other religions also attend. In Chisinau one kindergarten has a special "Jewish group." Jewish students are not restricted to these schools.

In separatist Transnistria the law provided for legal registration of religious organizations. Registration authority in Transnistria resided with the separatist region's "Ministry" of Justice.

Transnistrian law affirmed the role of the Orthodox Church in the region's history. All religions, whether registered or not, enjoyed freedom to worship, and foreign citizens shared in those rights. However, the Transnistrian law also provided for restrictions of the right to freedom of conscience and religion, if this was necessary to protect the constitutional order, morality, health, citizens' rights and interests, or state defense and security.

Religious organizations are not allowed to participate in elections, other political party activity, or to support NGOs involved in elections of any kind.

Religious education may be offered in Transnistria, but only if parents and guardians take into consideration the child's rights to freedom of conscience. Extracurricular religious education in public and private schools is allowed if parents and guardians requested it, and the child accepts it.

In order to receive legal registration in Transnistria, a local religious organization must have at least 10 members (aged 18 and above) with permanent residence in the region, and be able to confirm its existence for at least 10 years in the region. A local religious organization can also be registered as part of a centralized religious organization, which must consist of at least three local religious organizations. The religious organization must inform the registration authority on a yearly basis about its intentions to extend its activity.

In addition a religious organization must provide a list of founders with all personal details, the statutes of the religious

organization, the minutes from the constituent assembly, proof of activity for 10 years or more, basic religious doctrine, contact details of the governing body of the religious organization, and an official tax receipt to the Transnistrian "Ministry" of Justice. If the "ministry" decides to conduct a "religious assessment," the registration can be postponed for up to six months. The "president" of Transnistria established these assessment procedures.

Transnistrian law also provides for the activity and registration of foreign religious missions. However, it stipulated that the foreign religious organization cannot pursue religious activity, and does not enjoy the status of a religious organization, unless officially registered. The registration authority oversaw the group's statutes, aims, and activity. Religious organizations can be liquidated upon their own decision or upon a Transnistrian court's decision. The prosecutor's office oversees the implementation of the legislation on religious freedom. The prosecutor's office and/or the region's executive, city, or district authorities can request liquidation, suspension, or ban of a religious organization in the courts.

Transnistrian law allowed the use of homes and apartments to hold religious services. However, it did not allow the use of homes and apartments as accommodation (residence) for religious organizations. Religious services/rituals were also allowed in public places such as hospitals, clinics, orphanages, geriatric homes, and prisons. Religious organizations can freely produce, publish, import, and export religious printed materials, audio and video, and other religious items. The law imposes criminal, administrative, and other liabilities on those who violated the religious freedom legislation, but does not give details.

The former commissioner for religious affairs, whose office was abolished under the current law, served as a special advisor for religious affairs to the "president" and, as such, had power to delay or deny registration.

Transnistrian law has no provisions that would permit alternative service for conscientious objection to military duties.

Restrictions on Religious Freedom

The government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

The government continued to deny registration to some groups. Pentecostal churches complained that registration requests for new congregations were hindered by MOJ insistence that all local church founders sign the request, although the founders had already signed the incorporation papers and designated a single representative to sign the registration request.

Talgat Masaev, leader of the Spiritual Gathering of Muslims, reported that the organization tried again to register during the reporting period but was unsuccessful. He claimed the government denied registration without legal grounds. In October 2009 the Court of Appeals ruled in his favor and ordered registration. However, in February 2010 the MOJ appealed to the Supreme Court of Justice, which ruled in favor of the MOJ. The MOJ argued the documents submitted by the Spiritual Gathering of Muslims were "confusing" and presented signatures "in a distorted manner."

Jehovah's Witnesses reported numerous cases of religious restriction of their activity, including eight cases of prosecution for objection to military service in Transnistria. In Transnistria only two of 31 Jehovah's Witnesses' congregations--those in Tiraspol and Ribnita--had legal status at the end of the reporting period. There were numerous reports of restrictions of Jehovah's Witnesses' religious activity in Transnistria.

On December 15, 2009, Jehovah's Witnesses began construction of a Kingdom Hall on land granted by the Chisinau

mayor's office in 2000; nine years elapsed before they obtained the necessary permits. Between December 15 and 21, local protesters demonstrated at the site, stating, "We do not need Jehovah's Witnesses here. We have our own religion." They threatened physical harm and destroyed some property belonging to the construction firm and the boundary fence that was under construction. On December 22, the vice mayor annulled the construction permits. On December 28, 2009, representatives of the Jehovah's Witnesses community met with the mayor of Chisinau, who accused them of violating the building permit conditions. On December 31, 2009, Jehovah's Witnesses filed a preliminary application against the vice-mayor, requesting he annul his order to stop construction. As the vice-mayor did not cancel the order, the group filed a suit in the Chisinau Court of Appeals on March 5, 2010. The next hearing, originally scheduled for June 3, 2010, had not taken place by the end of the reporting period.

Local village authorities continued to refuse to issue proof of existence/activity certificates for the Jehovah's Witnesses community in the region, which are required for registration. Local authorities sought to cancel the fiscal code (necessary for financial transactions) for Jehovah's Witnesses, confiscated religious literature and the registration certificate of the group in Ribnita, and interfered with a memorial celebration in the village of Parcani. Court victories won by Jehovah's Witnesses were regularly overturned and new trials ordered.

The government cancelled two performances by Shen Yun Performing Arts, an organization that artistically presents Chinese culture through music and dance and speaks about the Chinese government's mistreatment of Falun Gong. The Chinese government banned the Falun Gong in 1999 and has been reportedly pressuring governments in Europe, North America, and Asia to cancel Shen Yun performances. At a press conference held on May 27, 2010, Deputy Minister of the Ministry of Foreign Affairs and European Integration Andrei Popov voiced concern over the political nature of the show, and claimed that it might hurt diplomatic relations with China. The theater cancelled both scheduled performances on May 25 and 26, reportedly succumbing to pressure from the Ministry of Culture and the Ministry of Foreign Affairs and European Integration, despite a contract signed with the Falun Dafa Association on January 20, 2010.

Transnistrian authorities have challenged the still current 1994 registration for Jehovah's Witnesses in Tiraspol and have refused to accredit the leaders of the Tiraspol and Ribnita communities. Transnistrian authorities also refused to register new charters for Jehovah's Witnesses in Tiraspol, Ribnita, Grigoriopol, and Tighina and sought to cancel the fiscal code for the Jehovah's Witnesses. Authorities in the separatist region confiscated religious literature; as well as the registration certificate of the Ribnita community. They interfered with the memorial celebration in Parcani, persecuted members because of their stand on pacifism, and attempted to dissolve both the Tiraspol and the Ribnita communities. Local authorities also prolonged court cases concerning Jehovah's Witnesses.

Transnistrian authorities continued to prosecute members of Jehovah's Witnesses for their conscientious objection to military service. The Chisinau-based human rights NGO Promo-LEX reported as many as 239 criminal cases initiated by the Transnistrian authorities against individuals refusing military service for various reasons, including conscientious objection, in 2009.

Religious communities, especially Protestants, noted the cumbersome bureaucratic procedures to obtain permission for foreign citizens to live and conduct religious work in the country. Applicants must have 16 documents, including a medical certificate, a certificate confirming they have not committed crimes in their home country, a blood test stating that they are free of AIDS, and evidence of insurance. They then must apply to the National Agency for the Occupation of the Workforce for a work permit. That permit, if approved, is presented to the MOI's Bureau of Migration and Asylum to receive the immigration certificate. If the application is approved, the applicant must present the work permit and the migration certificate to the Ministry of Informational Development, which issues the residence permit, with a validity not exceeding one year. Only registered religious organizations may apply for such permission. When extending the residency permit

validity, the same procedure must be followed, but with the additional requirement of presenting a criminal record certificate confirming the applicant has not committed crimes in the country previously.

Transnistrian authorities continued to use a textbook at all school levels containing defamatory allegations regarding Jehovah's Witnesses.

Some property disputes between the MOC and BOC remained unresolved. Although the law provided for restitution of property confiscated during successive fascist and Soviet regimes to politically repressed or exiled persons, the provision did not apply to property confiscated from religious organizations or their constituent parts during successive Nazi and Soviet regimes. Local authorities can arrange with local parishes to return church properties; in practice these arrangements usually benefitted the MOC. Because the government continued to refuse to return archives to the BOC that were confiscated during the Soviet years (1945-91), the BOC was unable to give an exact count of the churches that it could claim as former BOC properties.

The Lutheran Church claimed properties, most of which were destroyed in World War II. For example, a 400-seat Lutheran church, on the site now occupied by the presidency in Chisinau, was razed by the Soviets in the early 1960s. Government authorities used legal arguments to deny the claim and stated that properties would not be returned because there were not enough congregants to support their use.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversion

There were no reports of forced religious conversion.

Improvements and Positive Developments in Respect for Religious Freedom

In contrast to previous reporting periods, some foreign missionaries received work and residence permits, and Muslim religious gatherings were not subject to harassment.

Police and other security and immigration officials no longer checked the identities of Muslim worshippers leaving Friday prayers, made video recordings of worshippers, or requested that they visit police headquarters to explain their activities. There were no longer reports that authorities refused to allocate separate sections in cemeteries for Muslim burials, or required that Muslims buy two plots in cemeteries so the body can be oriented towards the Kaaba, as opposed to the east-west orientation used in Orthodox burials. Although Muslims were still not permitted to purchase separate sections in cemeteries as a group, because they were not registered, individual Muslims, as private individuals, could buy plots.

Section III. Status of Societal Respect for Religious Freedom

On December 25, 2009, in Micleuseni village, a group of Pentecostal believers participating in a funeral procession tried to make their way to the cemetery through the territory of the local Orthodox church but were barred access by local Orthodox Christians to "prevent tarnishing the holy church." The procession was forced to take a circuitous route to reach the cemetery.

On December 13, 2009, the second day of Hanukkah, a group of demonstrators led by Orthodox priest Anatolie Cibric vandalized and disassembled a menorah that had been authorized by the city government and placed in the main park in Chisinau. The group erected a cross in the menorah's place and carried the pieces of the menorah down the street to

another section of the park where laid them upside down at the feet of a statue of Stefan the Great, a national hero, and a saint in the MOC. On December 14, 2009, the government stated that intolerance and xenophobia were impermissible and called upon the representatives of all religions and ethnic groups, and all citizens, to refrain from acts that could prejudice harmony in the society. Minister of Justice Alexandru Tanase described the incident as a xenophobic and barbaric act, "a medieval demonstration organized by an obscure group." He added that he would request that the MOC publicly condemn and disassociate itself from the incident. The MOC condemned the incident, but also stated, "At the same time, we think it inappropriate to put a symbol of the Jewish religion in a public place connected to the history and faith of our people, especially because Hanukkah is a holiday of blessing that symbolizes the victory of Jews over non-Jews." The MOC made no objection to the Jewish community's rescue and reassembly of the menorah at the Holocaust Memorial, several blocks away from the central park, on the evening of December 13, 2009. Prosecutors, concluding that no violent crime had been committed, fined the priest under \$50 (644 lei), the maximum amount permitted under the law, and said it would keep the NGO to which Cibric belonged under observation.

In September 2009 vandals painted swastikas and other anti-Semitic graffiti on the walls of houses and construction sites in Balti.

On August 15, 2009, several hundred members of the MOC gathered on the main national square in Chisinau to protest a "Bible Concert" by Seventh-day Adventists scheduled for later in the day. Wishing to avoid confrontation, the concert organizers moved the event to a suburban Seventh-day Adventist Church, where it took place without incident.

Section IV. U.S. Government Policy

The U.S. embassy raised concerns at the highest levels of the government regarding the persistent registration difficulties of some religious groups and requested that registration procedures be clarified and simplified. In December 2009, the ambassador met with the minister of justice to express concern about the menorah incident and to recommend that the government keep a close watch on the offending priest and his group.

From January 10 to February 1, 2009, four local religious leaders, representing the BOC, two Protestant churches, and the Baha'i Faith, toured the United States under the sponsorship of the U.S. government. The group met with U.S. religious and secular groups and examined the role played by religious groups in the United States, interconfessional cooperation, and religious freedom.

In April 2010 the U.S. ambassador held a fourth annual reception in honor of religious freedom, hosting representatives of registered and unregistered religious organizations, including representatives of the BOC, three Islamic groups, the Unification Church, a Chisinau synagogue, the Armenian Apostolic, Lutheran, Roman Catholic, and Baptist churches, an evangelical seminary, and the Baha'i Faith. For the third consecutive year, no governmental representative attended. The ambassador encouraged participants to continue their efforts to promote religious freedom and harmony.

Embassy representatives continued to support the registration of religious groups and the registration and residency permits of foreign religious workers throughout the country.

[Back to Top](#)